

**DELEGATION OF AUTHORITY
SOLID WASTE DISPOSAL ACT (SWDA)**

Administrative Enforcement (Subtitle I)

- 1. AUTHORITY.** Pursuant to Subtitle I of the Solid Waste Disposal Act (SWDA), as amended, to:
 - a. Proffer field citations;
 - b. Take action under Section 9012 of the SWDA;
 - c. Issue notices to States;
 - d. Issue initial administrative orders under Section 9003(h) of the SWDA;
 - e. Issue administrative complaints;
 - f. Sign consent agreements memorializing settlements between the Agency and respondents prior to filing an administrative complaint; and
 - g. Take other enforcement action authorized under Subtitle I of the SWDA.
- 2. TO WHOM REDELEGATED.**
 - a. The authority in 1.a. is redelegated:
 - i. Through the Director, Enforcement and Compliance Assurance Division, or equivalent, and through the Branch Chief, Air and Land Enforcement Branch, or equivalent, and through the Section Chief, Land Enforcement Section, or equivalent, to inspectors and compliance officers.
 - ii. Through the Director, Land, Chemicals, and Redevelopment Division, or equivalent, and through the Branch Chief, RCRA and Tanks Branch, or equivalent, and through the Section Chief, RCRA Corrective Action, Permitting, and PCB Section, or equivalent, to inspectors.
 - b. The authority in 1.b., 1.c., 1.e., and 1.f. is redelegated to the Director, Enforcement and Compliance Assurance Division, or equivalent.
 - c. The authority in 1.d. is redelegated to the Directors, Enforcement and Compliance Assurance Division and Land, Chemicals, and Redevelopment Division, or equivalents.
 - d. The authority in 1.g. is redelegated through the Director, Land, Chemicals, and Redevelopment Division, or equivalent, to the Branch Chief, RCRA and Tanks Branch, or equivalent.
- 3. LIMITATIONS.**
 - a. This authority does not include the authorities addressed in HQ Delegations 8-26 or 8-27.
 - b. The following limitations apply to authorities 1.a. through 1.g.:
 - i. This authority may only be exercised prior to the deadline for filing an answer to an administrative complaint.
 - ii. Before the Assistant Administrator for Enforcement and Compliance Assurance, or delegatee, exercises this authority, the Assistant Administrator for Enforcement and Compliance Assurance, or designee, must notify any affected Regional

- Administrator, or designee.
- iii. Before a Regional Administrator, or delegatee, issues complaints, the Regional Administrator, or designee, must consult with the Regional Counsel, or designee. This limitation does not apply to the proffering of field citations.
 - iv. Before the Regional Administrator, or delegatee, exercises this authority at a Federal facility, the Regional Administrator, or designee, must consult with the Assistant Administrator for Enforcement and Compliance Assurance, or designee. This limitation does not apply to authority 1.a.
 - v. Before a regulation or policy directive is promulgated for Section 9012 of the SWDA,:
 - 1. The Assistant Administrator for Enforcement and Compliance Assurance, or delegatee, may take action under Section 9012 of the SWDA after the Assistant Administrator for Enforcement and Compliance Assurance, or designee, receives the concurrence from the Assistant Administrator for Land and Emergency Management, or designee.
 - 2. Regional Administrators, or delegates, may take action under Section 9012 of the SWDA after the Regional Administrator, or designee, receives the concurrence from the Assistant Administrator for Land and Emergency Management, or designee.

4. REDELEGATION AUTHORITY.

- a. The authority in 1.a. may not be further redelegated.
- b. The authorities in 1.b., 1.c., 1.e., 1.f., and 1.g. may be redelegated to the section chief level, or equivalent, and no further.
- c. The authority in 1.d. may be redelegated to the branch chief level, or equivalent, and no further.
- d. An official who redelegates an authority retains the right to exercise or withdraw the authority. Redelegated authority may be exercised by any official in the chain of command down to the official to whom it has been specifically redelegated.

5. SUPERSESSION. This delegation supersedes R10 8-25 (05/16/2019) and any other delegation of the same authority.

6. ADDITIONAL REFERENCES.

- a. EPA Delegation 8-9-A.
- b. EPA Delegation 8-32.
- c. EPA Delegation 8-25.

Date

May 29, 2019



Chris Hladick
Regional Administrator